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INTERNATIONAL COOPERATION IN THE PEACEFUL USES OF OUTER SPACE

QUESTION OF THE REVIEW OF THE AGREEMENT GOVERNING THE ACTIVITIES OF STATES ON THE MOON AND OTHER CELESTIAL BODIES

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Dieudonné NDIAYE (Gabon)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the items entitled:

"International cooperation in the peaceful uses of outer space";

"Question of the review of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies",

and to allocate them to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee considered the items at its 2nd and 18th to 22nd meetings, on 5 October and 7, 9, 10, 14 and 15 November 1994 (see A/C.4/49/SR.2 and 18-22). The general debate on the items took place at the 18th to 20th meetings, on 7, 9 and 10 November.

3. For its consideration of the items, the Committee had before it the following documents:

(a) Report of the Committee on the Peaceful Uses of Outer Space; 1/

(b) Report of the Secretary-General on the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (A/49/280).

4. At its 2nd meeting, on 5 October, the Committee decided to establish an open-ended Working Group on International Cooperation in the Peaceful Uses of Outer Space, to be chaired by the delegation of Austria, to prepare the draft resolution on item 76.

5. At the 18th meeting, on 7 November, the Chairman of the Fourth Committee made an introductory statement on the items.

6. At the same meeting, the Chairman of the Committee on the Peaceful Uses of Outer Space introduced the report of that Committee. 1/

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.4/49/L.10

7. At the 22nd meeting, on 15 November, the representative of Austria introduced a draft resolution entitled "Enlargement of the Committee on the Peaceful Uses of Outer Space" (A/C.4/49/L.10) sponsored by his delegation.

8. At the same meeting, the Committee adopted draft resolution A/C.4/49/L.10 by a recorded vote of 110 to 1 (see para. 11 below, draft resolution I). 2/ The voting was as follows: 3/

In favour: Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Finland, France, Georgia, Germany, Greece, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic

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1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 20 (A/49/20).

2/ Statements in explanation of vote were made by the representatives of France and the United States of America.

3/ Subsequently, the delegation of Mauritania indicated that it had intended to vote in favour of the draft resolution.

Republic, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: None.

B. Draft resolution A/C.4/49/L.11

9. At the 22nd meeting, on 15 November, the representative of Austria, on behalf of the Working Group on International Cooperation in the Peaceful Uses of Outer Space, introduced a draft resolution entitled "International cooperation in the peaceful uses of outer space, including the question of the review of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies" (A/C.4/49/L.11).

10. At the same meeting, the Committee adopted draft resolution A/C.4/49/L.11 without a vote (see para. 11 below, draft resolution II).

III. RECOMMENDATIONS OF THE SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)

11. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Enlargement of the Committee on the Peaceful Uses of Outer Space

The General Assembly,

Welcoming the fact that States from several of the regional groups have expressed interest in becoming members of the Committee on the Peaceful Uses of Outer Space,

Noting the report of the Committee on the Peaceful Uses of Outer Space, 1/

Decides to expand the membership of the Committee on the Peaceful Uses of Outer Space from fifty-three to sixty-one, that is, by not more than two seats for each of the regional groups that had expressed interest in having a greater representation in the Committee, and to ask the President of the General Assembly, after consultations with the regional groups concerned, to appoint no more that eight new members of the Committee on the Peaceful Uses of Outer Space.

DRAFT RESOLUTION II

International cooperation in the peaceful uses of outer space, including the question of the review of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies

The General Assembly,

Recalling its resolution 48/39 of 10 December 1993,

Deeply convinced of the common interest of mankind in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived therefrom, and of the importance of international cooperation in this field, for which the United Nations should continue to provide a focal point,

Reaffirming the importance of international cooperation in developing the rule of law, including the relevant norms of space law and their important role in international cooperation for the exploration and use of outer space for peaceful purposes,

Concerned about the possibility of an arms race in outer space,

Recognizing that all States, in particular those with major space capabilities, should contribute actively to the goal of preventing an arms race in outer space as an essential condition for the promotion of international cooperation in the exploration and use of outer space for peaceful purposes,

Considering that space debris is an issue of concern to all nations,

Noting the progress achieved in the further development of peaceful space exploration and application as well as in various national and cooperative space projects, which contribute to international cooperation, and the importance of further international cooperation in this field,

Taking note of the report of the Secretary-General 4/ on the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, 5/

Having considered the report of the Committee on the Peaceful Uses of Outer Space on the work of its thirty-seventh session, 6/

1. Endorses the report of the Committee on the Peaceful Uses of Outer Space; 6/

2. Invites States that have not yet become parties to the international treaties governing the uses of outer space 7/ to give consideration to ratifying or acceding to those treaties;

3. Notes that, at its thirty-third session, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, in its working groups, continued its work as mandated by the General Assembly in its resolution 48/39; 8/

4. Endorses the recommendations of the Committee that the Legal Subcommittee, at its thirty-fourth session, taking into account the concerns of all countries, particularly those of developing countries, should:

(a) Continue its consideration of the question of early review and possible revision of the principles relevant to the use of nuclear power sources in outer space;

(b) Continue, through its working group, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and

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4/ A/49/280.

5/ See Report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 9-21 August 1982 and corrigenda (A/CONF.101/10 and Corr.1 and 2).

6/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 20 (A/49/20).

7/ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (resolution 2222 (XXI), annex); Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (resolution 2345 (XXII), annex); Convention on International Liability for Damage Caused by Space Objects (resolution 2777 (XXVI), annex); Convention on Registration of Objects Launched into Outer Space (resolution 3235 (XXIX), annex); Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (resolution 34/68, annex).

8/ See Official Records of the General Assembly, Forty-ninth Session, Supplement No. 20 (A/49/20), sect. II.C.

means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union;

(c) Continue, through its working group, its consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries;

5. Also endorses the recommendation of the Committee that the Legal Subcommittee, at its thirty-fourth session, should suspend consideration in its Working Group of the principles relevant to the use of nuclear power sources pending the results of the work in the Scientific and Technical Subcommittee, without prejudice to the possibility of reconvening its Working Group on that item, if in the opinion of the Legal Subcommittee, sufficient progress was made in the Scientific and Technical Subcommittee at its session in 1995 to warrant the reconvening of the Working Group;

6. Notes that deliberations on the question of the geostationary orbit were undertaken by the Legal Subcommittee as reflected in its report, 8/ on the basis of recent proposals which might provide a new and enhanced basis for future work;

7. Endorses the recommendations and agreements concerning the organization of work in the Legal Subcommittee;

8. Also endorses the recommendation of the Committee that the Chairman of the Legal Subcommittee should, at its thirty-fourth session, conduct extensive, open-ended informal consultations with all members of the Subcommittee on the working methods and agenda of the Legal Subcommittee, including the consideration of possible additional items for inclusion on the agenda as outlined in the report of the Committee; 9/

9. Notes that the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its thirty-first session, continued its work as mandated by the General Assembly in its resolution 48/39; 10/

10. Welcomes the decision of the Committee to consider the matter of space debris, and the addition of a new item, entitled "Space debris", on the agenda of the Scientific and Technical Subcommittee;

11. Notes that under that item the Scientific and Technical Subcommittee considered scientific research relating to space debris, including relevant studies, mathematical modelling and other analytical work on the characterization of the space debris environment;

9/ Ibid., sect. II.E.5, and annex.

10/ Ibid., sect. II.B.

12. Endorses the agreement of the Committee that, at its next session, the Scientific and Technical Subcommittee should focus its attention on the acquisition and understanding of data on the characteristics of the space debris environment, and that the Subcommittee should also at its next session develop a continuing, deliberate, specific multi-year plan for its work on this agenda item;

13. Also endorses the recommendations of the Committee that the Scientific and Technical Subcommittee, at its thirty-second session, taking into account the concerns of all countries, particularly those of developing countries, should:

(a) Consider the following items on a priority basis:

(i) United Nations Programme on Space Applications and the coordination of space activities within the United Nations system;

(ii) Implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space; 5/

(iii) Matters relating to remote sensing of the Earth by satellites, including, inter alia, applications for developing countries;

(iv) Use of nuclear power sources in outer space;

(v) Space debris;

(b) Consider the following items:

(i) Questions relating to space transportation systems and their implications for future activities in space;

(ii) Examination of the physical nature and technical attributes of the geostationary orbit and of its utilization and applications, including, inter alia, in the field of space communications, as well as other questions relating to space communications developments, taking particular account of the needs and interests of developing countries;

(iii) Matters relating to life sciences, including space medicine;

(iv) Progress in national and international space activities related to the Earth's environment, in particular progress in the geosphere-biosphere (global change) programme;

(v) Matters relating to planetary exploration;

(vi) Matters relating to astronomy;

(vii) The theme fixed for special attention at the 1995 session of the Scientific and Technical Subcommittee: "Application of space technology for education, with particular emphasis on its use in

developing countries"; the Committee on Space Research and the International Astronautical Federation, in liaison with Member States, should be invited to arrange a symposium, with as wide a participation as possible, to be held during the first week of the Subcommittee's session, to complement discussions within the Subcommittee on the special theme;

14. Considers, in the context of paragraph 13 (a) (ii) above, that it is particularly urgent to implement the following recommendations:

(a) All countries should have the opportunity to use the techniques resulting from medical studies in space;

(b) Data banks at the national and regional levels should be strengthened and expanded and an international space information service should be established to function as a centre of coordination;

(c) The United Nations should support the creation of adequate training centres at the regional level, linked, whenever possible, to institutions implementing space programmes; necessary funding for the development of such centres should be made available through financial institutions;

(d) The United Nations should organize a fellowship programme through which selected graduates or postgraduates from developing countries should get in-depth, long-term exposure to space technology or applications; it is also desirable to encourage the availability of opportunities for such exposure on other bilateral or multilateral bases outside the United Nations system;

15. Endorses the recommendation of the Committee that the Scientific and Technical Subcommittee should reconvene, at its thirty-second session, the Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, to continue its work;

16. Also endorses the recommendations of the Working Group of the Whole of the Scientific and Technical Subcommittee, as endorsed by the Committee and as contained in the report of the Working Group of the Whole; 11/

17. Decides that, during the thirty-second session of the Scientific and Technical Subcommittee, the Working Group on the Use of Nuclear Power Sources in Outer Space should be reconvened, and invites Member States to report to the Secretary-General on a regular basis with regard to national and international research concerning the safety of nuclear-powered satellites;

18. Endorses the United Nations Programme on Space Applications for 1995, as proposed to the Committee by the Expert on Space Applications; 12/

11/ A/AC.105/571, annex II.

12/ A/AC.105/555, sect. I.

19. Emphasizes the urgency and importance of implementing fully the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space;

20. Reaffirms its approval of the recommendation of the Conference regarding the establishment and strengthening of regional mechanisms of cooperation and their promotion and creation through the United Nations system;

21. Expresses its appreciation to all Governments that have made or expressed their intention to make contributions towards carrying out the recommendations of the Conference;

22. Invites all Governments to take effective action for the implementation of the recommendations of the Conference;

23. Requests all organs, organizations and bodies of the United Nations system and other intergovernmental organizations working in the field of outer space or on space-related matters to cooperate in the implementation of the recommendations of the Conference;

24. Invites the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the recommendations of the Conference;

25. Notes that, pursuant to the request of the General Assembly contained in paragraph 22 of its resolution 48/39, the Scientific and Technical Subcommittee, at its thirty-first session, discussed the possibility of holding a third United Nations Conference on the Exploration and Peaceful Uses of Outer Space in the future, and that the Committee continued these discussions at its thirty-seventh session with a view to promoting an early conclusion on the matter by the Committee;

26. Agrees that the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space could be convened in the near future and also agrees that, prior to recommending a date for the conference, there should be a consensus recommendation on the agenda, venue and funding of the conference;

27. Recommends that the Scientific and Technical Subcommittee, at its next session, conduct a thorough analysis and define an agenda for such a conference, and agrees that the Subcommittee should discuss a broad range of themes and subjects that could be refined into a sharply focused and detailed agenda and should also continue its examination of other means of achieving the goals set for such a conference;

28. Invites interested Member States to submit additional ideas and proposals for a third United Nations Conference on the Exploration and Peaceful Uses of Outer Space in time for their consideration at the next session of the Scientific and Technical Subcommittee, and endorses the Committee's request that the Secretariat compile a document, in time for consideration at the next session of the Subcommittee, containing the various ideas regarding the agenda and organization for the conference submitted to the Committee;

29. Agrees that the discussions to be held by the Scientific and Technical Subcommittee should provide the basis for a prompt decision by the Committee on a recommendation to the General Assembly regarding the agenda, timing, funding and organization of such a conference;

30. Recognizes the contribution of the First Asia-Pacific Conference on Multilateral Cooperation in Space Technology and Applications, held at Bangkok in 1994, the Ministerial Conference on Space Application for Development, held at Beijing in 1994, and the second session of the regional Asia-Pacific Space Agency Forum, held at Tokyo in 1994, towards promoting regional cooperation in space activities, as well as the meetings mentioned in paragraph 13 of the report of the Secretary-General on the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space; 3/ and calls upon the regional commissions to support those initiatives;

31. Recommends that more attention be paid to all aspects related to the protection and the preservation of the outer space environment, especially those potentially affecting the Earth's environment;

32. Considers that it is essential that Member States pay more attention to the problem of collisions of space objects, including nuclear power sources, with space debris, and other aspects of space debris, calls for the continuation of national research on this question, for the development of improved technology for the monitoring of space debris, and for the compilation and dissemination of data on space debris, and also considers that, to the extent possible, information thereon should be provided to the Scientific and Technical Subcommittee;

33. Takes note with interest of the analytical report prepared by the Secretariat containing updated information on the implementation of Agenda 21 13/ by the United Nations system, information on activities of the Programme on Space Applications related to environment and development, and suggestions as to how the activities of the Programme on Space Applications in this area might be expanded; 14/

34. Endorses the agreement of the Committee that it would request the Commission on Sustainable Development to bring to the attention of its members the valuable role of space technology and applications in implementing sustainable development programmes;

35. Urges all States, in particular those with major space capabilities, to contribute actively to the goal of preventing an arms race in outer space as

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13/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I, Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.

14/ A/AC.105/547/Add.1.

an essential condition for the promotion of international cooperation in the exploration and uses of outer space for peaceful purposes;

36. Emphasizes the need to increase the benefits of space technology and its applications and to contribute to an orderly growth of space activities favourable to the socio-economic advancement of humanity, in particular that of the people of the developing countries;

37. Takes note of the views expressed during the thirty-seventh session of the Committee and during the forty-ninth session of the General Assembly concerning ways and means of maintaining outer space for peaceful purposes;

38. Requests the Committee to continue to consider, as a matter of priority, ways and means of maintaining outer space for peaceful purposes and to report thereon to the General Assembly at its fiftieth session;

39. Also requests the Committee to continue to consider at its thirty-eighth session its agenda item entitled "Spin-off benefits of space technology: review of current status";

40. Requests the specialized agencies and other international organizations to continue and, where appropriate, enhance their cooperation with the Committee and to provide it with progress reports on their work relating to the peaceful uses of outer space;

41. Welcomes the report of the Secretary-General on international cooperation in space activities for enhancing security in the post-cold-war era 15/ and calls upon the competent bodies to take into account its contents;

42. Notes the recommendation of the Committee that the General Assembly, at its current session, in considering whether to revise the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, 16/ should take no action at the present time;

43. Requests the Committee to continue its work, in accordance with the present resolution, to consider, as appropriate, new projects in outer space activities, and to submit a report to the General Assembly at its fiftieth session, including its views on which subjects should be studied in the future.

15/ A/48/221.

16/ Resolution 34/68, annex.